

RECEIVED
FEDERAL ELECTION
COMMISSION

2014 JUL -3 PM 12:09
OFFICE OF GENERAL
COUNSEL

MUR # 10852

SENSITIVE

June 30, 2014

Mr. Lee Goodman
Chairman
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Mr. Goodman:

By this letter, I would like to file a formal complaint against Ryan Zinke and Special Operations for America PAC ("SOFA"). SOFA was founded by Ryan Zinke in 2012. According to press reports¹, SOFA was founded out of anger that President Obama was "taking credit" for the mission that killed Osama Bin Laden. However, during the 2012 election cycle, it appears that SOFA only spent \$7,000 on independent expenditures opposing Barack Obama. The rest of the over \$180,000 raised by SOFA in 2012 went to operating costs, including payments to Zinke's consulting firm, Continental Divide International, and to Battle Plan Strategies, a consulting firm belonging to Scott Hommel, SOFA's treasurer and Zinke's former chief of staff.

While Zinke claimed that he created SOFA "for God and country", and publicly declared² that he would not take a paycheck, these payments to his own company would seem to suggest otherwise.

In 2013, SOFA raised over \$1.3 million dollars. Of that amount over \$900,000 was raised during the second half of 2013, the same time that Ryan Zinke was exploring his run for Congress. Mr. Zinke subsequently filed paperwork with the Federal Election Commission on October 24, 2013 to run for the At-Large District for the House of Representatives from the state of Montana. In addition, according to FEC reports, Mr. Zinke's firm received payments for SOFA in early 2013, as well as a large travel reimbursement in August of 2013, a period in which the PAC does not appear to have

¹ "GOP Congressional Candidate Using Campaign Money Scheme Pioneered by...Stephen Colbert", *Mother Jones*, November 1, 2013

² Special Operations for America website, August 2, 2012

2014 JUL -7 AM 11:55

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COMMISSION
SECRETARY

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been active in any campaigns. Thus, this large travel reimbursement begs the question as to the relationship to the travel payment and Mr. Zinke's exploration of his candidacy.

According to press reports³, Mr. Zinke resigned from SOFA on September 30, 2013, merely 24 days prior to filing his campaign paperwork with the FEC. According to a late filed Form 24 and its 2013 Year-End report, SOFA began disseminating advertising supporting Mr. Zinke's election on October, 22, 2013, prior to Mr. Zinke's filing of his campaign's paperwork and a mere 22 days after Mr. Zinke's resignation from SOFA.

Since September 2013, SOFA has reported spending over \$200,000 on communications advocating the election of Mr. Zinke. In addition, SOFA has been soliciting contributions specifically for Mr. Zinke's campaign. In fact, donors who gave more than \$50 were being offered a Ryan Zinke commemorative coin.

In addition, in 2013, both SOFA and Zinke's campaign committee report hiring the same individual for purposes of research consulting, during the same month. The Zinke campaign reports paying \$1,412.75 to Lester Cooper of Charlottesville, VA on November 21 of 2013, while SOFA reports paying Cooper twice; \$1,000 on August 15 of 2013, and again for \$3,030.45 on November 4 of 2013. The groups' hiring of the same individual just days apart would certainly facilitate coordination between the two, and it would seem very unlikely that information Cooper gained while performing research for one entity did not inform his actions and decisions while employed by the other. This would constitute an illegal coordination if Cooper used his knowledge of SOFA's intentions to make independent expenditures on Zinke's behalf during his subsequent employment with Zinke's campaign committee.

Based upon the above, it appears as though SOFA's actual purpose for the 2014 cycle was to be the dedicated Super PAC for Mr. Zinke's congressional campaign. Although this phenomenon is not unique, what is unique is the fact that SOFA was created by Mr. Zinke and controlled by him until a mere few days prior to the creation of his own campaign committee. Therefore, it strains credulity for SOFA to argue that it had "spontaneously" decided to support Mr. Zinke's campaign subsequent to his resignation, independently from Mr. Zinke and his campaign, when in fact, it began disseminating communications supporting his campaign prior to the establishment of Mr. Zinke's own campaign committee.

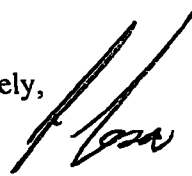
Based upon the above, and information and belief, I request that the FEC thoroughly investigate the connections between SOFA and Ryan Zinke's campaign committee. I believe a thorough investigation will reveal that Mr. Zinke left SOFA with a turn-key independent expenditure operation to support his campaign and therefore, all communications disseminated by SOFA would result in coordinated communications as defined by the Federal Election Commission in 11 C.F.R. § 109.21(b). In addition, since SOFA was established by Mr. Zinke, its status as an independent expenditure only committee that is making communications in support of his candidacy must be called into

³ "GOP Congressional Candidate Using Campaign Money Scheme Pioneered by...Stephen Colbert", *Mother Jones*, November 1, 2013

question. Ultimately, the Commission must determine that SOFA is affiliated with Mr. Zinke's campaign committee. 11 C.F.R. § 100.5(g).

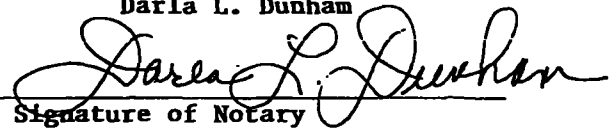
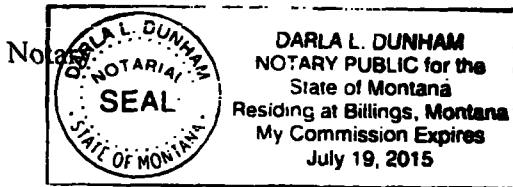
The Commission must promptly and aggressively investigate these clear violations of federal campaign finance regulations and seek any and all injunctive and financial penalties permitted by law.

Sincerely,



SWORN TO AND SUBSCRIBED before me this 26 day of June, 2014

Darla L. Dunham



Signature of Notary

Residing at Billings, Montana
Yellowstone County

My Commission Expires: July 19, 2015



RECEIVED

2012 JUN 15 AM 11:08

Vincent DeVito
Direct telephone:
NY: 646 580 0120
DC: 202 329 4070
Direct facsimile: (508) 929-3019
Email: vdevito@bowditch.com

June 14, 2012

Via FedEx (Tracking No. 798510135607)

Federal Election Commission
ATTN: Statement of Organization
999 E Street, NW
Washington, DC 20463

Re: *Special Operations For America, Independent Expenditure
Committee*

To Whom It May Concern:

For filing, kindly find the enclosed Statement of Organization (Form 1) and the enclosed Independent Expenditure Committee Letter (IE-Only Letter). If you have any questions, please contact me. Thank you.

Regards,

Vincent DeVito

cc: Christopher Hyatt (w/enclosures)

*Bar Admissions: District of Columbia - Commonwealth of Massachusetts - State of New York (Client
Files\BUS\310163\0001\00366947.DOC,1)

BOWDITCH & DEWEY, LLP ONE INTERNATIONAL PLACE, 44TH FLOOR BOSTON, MA 02110
T 617 757 0300 F 617 757 0501 www.bowditch.com

Boston Framingham Worcester



Special Operations For America

336 West 2nd Street
Whitefish, MT 59937

June 14, 2012

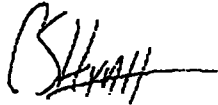
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Form 1, Statement of Organization—Unlimited Contributions

To Whom It May Concern:

This committee intends to make independent expenditures, and consistent with the U.S. Court of Appeals for the District of Columbia Circuit decision in *SpeechNow v. FEC*, it therefore intends to raise funds in unlimited amounts. This committee will not use those funds to make contributions, whether direct, in-kind, or via coordinated communications, to federal candidates or committees.

Respectfully submitted,



Christopher S. Hyatt, Treasurer

cc: Vincent DeVito, Esq.

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FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED

2012 JUN 15 AM 11:08

1. NAME OF
COMMITTEE (in full)

☐

(Check if name
is changed)

Example: If typing, type
over the lines

12FB4M5 EC MAIL CENTER

SPECIAL OPERATIONS FOR AMERICA

ADDRESS (number and street)

336 West 2nd Street

☐

(Check if address
is changed)

Whitefish

MT

59937

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐

(Check if address
is changed)

vdevito@bowditch.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐

(Check if address
is changed)

www.soforamerica.org

2. DATE

06 14 2012

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☐

NEW (N)

OR

☐

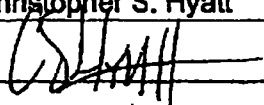
AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Christopher S. Hyatt

Signature of Treasurer



Date

06 14 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only				
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For further information contact:
Federal Election Commission
Toll Free 800-694-6830
Local 202-694-1100

FEC FORM 1
(Revised 02/2007)

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5. TYPE OF COMMITTEE

Candidate Committee:

- (a) ☐ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate
Party AffiliationOffice
Sought☐ House☐ Senate☐ President

State

District

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

Party Committee:

- (d) ☐ This committee is a ☐ National, State or subordinate) committee of the ☐ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization
- ☐ Membership Organization ☐ Trade Association ☐ Cooperative
- ☐ In addition, this committee is a Lobbyist/Registrant PAC.
- (f) ☒ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
- ☐ In addition, this committee is a Lobbyist/Registrant PAC.
- ☐ In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (a) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (b) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

- | | | | |
|----|--------------------------|---------------|--------------------------|
| 1. | <input type="checkbox"/> | FEC ID number | <input type="checkbox"/> |
| 2. | <input type="checkbox"/> | FEC ID number | <input type="checkbox"/> |
| 3. | <input type="checkbox"/> | FEC ID number | <input type="checkbox"/> |
| 4. | <input type="checkbox"/> | FEC ID number | <input type="checkbox"/> |

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Write or Type Committee Name

SPECIAL OPERATIONS FOR AMERICA**6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor**

Mailing Address

CITY

STATE

ZIP CODE

Relationship: ☐ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor**7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.**

Full Name

CHRISTOPHER S HYATT

Mailing Address

336 West 2nd Street

Whitefish

MT

59937

Title or Position

CITY

STATE

ZIP CODE

Treasurer

Telephone number 406, - 261, - 7541

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).Full Name
of Treasurer

CHRISTOPHER S HYATT

Mailing Address

336 West 2nd Street

Whitefish

MT

59937

Title or Position

CITY

STATE

ZIP CODE

Treasurer

Telephone number 406, - 261, - 7541

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12030822540

Full Name of
Designated
Agent

Vincent DeVito

Mailing Address

Bowditch & Dewey, LLP

1 International Place, 44th Floor

Boston

CITY

MA

STATE

02110

ZIP CODE

Title or Position

General Counsel, Assistant Treasurer

Telephone number

617, 1-757, 1-6500

12030322541

8. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Wells Fargo

Mailing Address

2350 U.S. Hwy 93 North

Keilispeil

CITY

MT

STATE

05854

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

12030322541

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input type="checkbox"/> USPS First Class Mail	Postmarked
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input checked="" type="checkbox"/> Overnight Delivery Service (Specify): <i>Fed Ex</i>	Shipping Date <i>6/14/12</i>
Next Business Day Delivery <input checked="" type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
PREPARER (3/2005)	DATE PREPARED <i>6/15/12</i>

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10074746210001

He's running for Congress because America needs him. He has earned our support and I hope you will support our efforts to help him win with a contribution of \$10, \$25, \$50, \$100, \$175, \$250, \$500, or even \$1,000 today.

And if your contribution is \$50 or more, I will send you a limited edition Special Operations for America Ryan Zinke bronze challenge coin as a token of our thanks, personal keepsake, and reminder of the values you and Ryan Zinke share.



SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER.
 (check only one)

PAGE 391 OF 482

☒ 21b ☐ 22 ☐ 23 ☐ 24 ☐ 25 ☐ 26
☐ 27 ☐ 28a ☐ 28b ☐ 29c ☐ 29 ☐ 30a

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

SPECIAL OPERATIONS FOR AMERICA

Full Name (Last, First, Middle Initial)

A. LESTER COOPER

Date of Disbursement

Mailing Address 1111 TIMBER TRAIL DR

08 15 2013

City CHARLOTTESVILLE State VA Zip Code 22901

Transaction ID: SB21B.21702

 Purpose of Disbursement
 RESEARCH CONSULTING

Amount of Each Disbursement this Period

Candidate Name

Category/
Type

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

1000.00

Full Name (Last, First, Middle Initial)

B. LESTER COOPER

Date of Disbursement

Mailing Address 1111 TIMBER TRAIL DR

11 04 2013

City CHARLOTTESVILLE State VA Zip Code 22901

Transaction ID: SB21B.21913

 Purpose of Disbursement
 RESEARCH CONSULTING

Amount of Each Disbursement this Period

Candidate Name

Category/
Type

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

3030.45

1300474924001

Use separate schedule(s) for each category of the Schedule Reporting System.

FOR LINE NUMBER. (check only one)

<input checked="" type="checkbox"/> 15	<input type="checkbox"/> 15	<input type="checkbox"/> 15	<input type="checkbox"/> 15
<input type="checkbox"/> 20	<input type="checkbox"/> 20	<input type="checkbox"/> 20	<input type="checkbox"/> 20

NAME OF COMMITTEE on Sub

Full Name (Last, First, Middle Initial)
A. Robert Kearley

Date of Disbursement:

11 16 2013

Mailing Address PO Box 4760

City	State	Zip Code
Whitefish	MT	59937-1760

Amount of Each Disbursement This Period

1918.74

Transaction ID : 887D9B1DAB63C4C1ABFE

Candidate Name

Category/
Type

Office Sought: _____ House
 _____ Senate
 _____ President

Disbursement For: 2014
☒ Primary ☐ General
 Other (specify)

State: District:

Full Name (Last, First, Middle Initial)

Date of Disbursement

11 18 2013

B. Payne West Insurance

Mailing Address 1200 N Montana Ave

City	State	Zip Code
Helena	MT	59601-3500

Amount of Each Disbursement this Period

289.00

Transaction ID : B445048B3DE924FDD8B0

Candidate Name

Category/
Type

Office Sought: ☐ House
☐ Senate
☐ President

Disbursement For: 2014
☒ Primary ☐ General
☐ Other (specify)

State: District:

Full Name (Last, First, Middle Initial)

Date of Disbursement

11 21 2013

c. Lester L Cooper

Mailing Address 1111 Timber Trail Dr

City	State	Zip Code
Charlotte, NC	VA	22901-9010

Amount of Each Disbursement: this Period

1412.75

Transaction ID : B6AE21657B16540FA96B

Candidate Name _____

Category:
Type:

Office Sought: ☐ House
☐ Senate
☐ President

Disbursement For: 2014
☒ Primary ☐ General
☐ Other (specify)